

Timeline for submitting proposals:

- Initiators should forward completed Form 1000-3-04, Law/Regulation Change Recommendation, to your supervisor no later than July 1.
- Supervisor forwards approved proposals to the Regional Director or the Bureau Director by July 20.
- Regional and Bureau Director forwards recommendations to the Bureau of Fisheries or Wildlife Management no later than August 1.

Recommendation to: <input type="checkbox"/> Repeal <input checked="" type="checkbox"/> Amend <input type="checkbox"/> Create <input type="checkbox"/> Repeal and recreate	Section Number(s): <input checked="" type="checkbox"/> Adm. Code NR 20 <input type="checkbox"/> Statutes	<input type="checkbox"/> Change Pamphlet For Regulation pamphlet SUGGESTION: (The submitter must complete the current wording section, proposed wording section, sections 9 and 10 and acquire the recommending signatures.)
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Current Wording:

NR 20.05 General restrictions. No person may do any of the following:

(3) Fish within 200 feet of any fishway, lock or dam by any means other than by hook and line in the inland waters.

NR 20.15 Authorized methods. A person may do any of the following:

(1) Take rough fish by hand at any time in all waters except within 200 feet of a lock or dam.

NR 20.15(2)

(2) Use any fish for bait provided the fish was lawfully obtained and legal to possess pursuant to all the restrictions set forth in this chapter.

NR 20.15(3)

(3) Spear white bass, yellow bass, rock bass, panfish and bullheads while skin diving or scuba diving during the open season for rough fish spearing as specified in s. NR 20.20.

Proposed Wording (Use strikeouts for deletions and underlines for additions):

NR 20.05 General restrictions. No person may do any of the following:

(3) Fish within 200 feet of any fishway, lock or dam by any means other than by hook and line in the inland waters before June 1st and after Sept 1st.

(3a) Rough fish may be taken by use of spears or bowfishing equipment within 200 feet of any dam, lock, or fish way from June 1st through Sept 1st.

NR 20.15 Authorized methods. A person may do any of the following:

(1) Take rough fish by hand at any time in all waters except within 200 feet of a lock or dam.

(1a) Take rough fish by means of spearing or bowfishing within 200 feet of a lock, dam or fish way from June 1st through Sept 1st.

(2) Use any fish for bait provided the fish was lawfully obtained and legal to possess pursuant to all the restrictions set forth in this chapter.

(3) Spear white bass, yellow bass, rock bass, panfish and bullheads while skin diving or scuba diving during the open season for rough fish spearing as specified in s. NR 20.20.

1. **DESCRIPTION OF REGULATION:** Make the description complete and understandable to the uninitiated.

The allowing of spearing or bowfishing from June 1st through Sept 1st would provide opportunities from those types of fishermen to harvest carp from state waters. It is understood that we need to protect fish species that migrate for spawning and are held up at dams, locks, and fishways where the taking of those fish species would be relatively easy and there could be a concern on over harvest. That is why this proposal was written to allow spearing after those main species of fish had completed their spawning runs and the carp species would be held up at these same dams, locks, and fishways. Their removal in mass would not be a concern and quite frankly would be good for the river systems.

As for concerns for possessing spearing/bowfishing equipment that could be used to take game fish I will point out that we presently allow bowfishing at night and have not had great concern of losing game fish. Secondly we allow the possession and use of spears in Outagamie County at the same time that out sturgeon are spawning. This allows spearing suckers that are alongside sturgeon and eating their eggs. We have not had significant concerns here to change that regulation either therefore I do not see this proposal as a concern.

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2. **PREVIOUS ACTION:** Was the change introduced in previous year/sessions? For legislative changes, what was the status at the end of the session? Department position? What interest groups were involved in the bill? What was their position?

UNK

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3. **POLICY/ADMINISTRATIVE EFFECT:** What is the effect on current DNR programs, changes in state policies, changes in administrative procedures (manual codes, handbooks), changes in organization or changes in management practices? How does this proposal relate to federal laws or rules?

There will not be any management practice concerns as carp species are not managed. There may be increased LE workloads initially to observe take is of carp and not other species.

There should be no federal rules affected.

- 4a. **DEPARTMENT FISCAL EFFECT:** Summarize in terms of supplies and services costs, new capital equipment costs and/or hours to do the job (and by whom), will it take to carry out the mandates of this proposal. Distinguish between state and local expenditures. Summarize any revenue the proposal creates.

This proposal allows for increased opportunities for spearers and bowfishers to remove a fish species considered detrimental to waters of this state. I do not foresee any related costs to the Department.

- 4b. **SMALL BUSINESS ANALYSIS:** Does this change have a significant economic impact on small businesses? Does the proposed change create any compliance and/or reporting requirements for small businesses? If yes, please explain and provide estimates.

There may be increases in purchasing of equipment related to bowfishing and spearing that would benefit small businesses selling those items.

There could also be an increase in carp flesh sales.

Note: Small business means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than 25 full time employees or which has a gross annual sales of less than \$2.5 million.

- 4c. **FISCAL EFFECT ON PRIVATE PARTIES:** Does the proposed change have a significant fiscal effect on the private sector? If yes, what is the anticipated costs that will be incurred by the private sector in complying with the proposed change?

None that I could imagine.

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5. **IMPACT ON OTHER PROGRAMS:** What programs did you consult in preparing this analysis? Do they concur in your analysis?

I did contact local and area fish management personnel and they had no problem with this proposal.
See attached comments below.

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6. **INFORMATION IMPACT:** Does this proposal create new record keeping requirements, require new automation, modify existing data systems?

No

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7. **STATE REGULATORY ANALYSIS:** Provide a comparison with similar rules in adjacent states (Illinois, Iowa, Michigan and Minnesota).

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8. **ADMINISTRATIVE RULES:** (Complete this section only if proposing a legislative change.) Will administrative rules be necessary to implement this policy? Will there be a new set of rules or just changes to existing rules? When must the rules be implemented by?

N/A

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9. **EFFECTIVE DATE:** When do you believe the change should start? If administrative rules are necessary, should the administrative rule date be the same?

June 1st 2012

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10. **BACKGROUND:** Pamphlet modification background.

YOU MAY NOT:

+ fish with nets, traps, seines, spears (including bow and arrow) or by hand in refuges, other closed areas or trout streams (except it is legal to take rough fish by hand in a trout stream). Such gear with the exception of spears/bowfishing (See **SPEARING RESTRICTIONS** below) or taking fish by hand is also not allowed within 200' of any dam, lock or fish way (except \leq 500' outlying waters), or within 500' of posted DNR nets or weirs or except as expressly provided.

SPEARING RESTRICTIONS:

The use of spears and bowfishing equipment is allowed within 200 feet of any dam, fish way, or lock from June 1st through Sept 1st for the taking of rough fish.

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11. Is the recommendation enforceable?

☐

Yes

☐

No

Analysis by :

SUBMITTED BY

Initiator's Name
David Algrem

Title
Conservation Warden

RECOMMENDED

Supervisor
Carl J. Mesman

Region Program Supervisor or Section Chief

Date
6/21/11

Date
6/27/2011

Date June 9, 2011	Region/Bureau NER	Regional Director or Bureau Director <i>James Rombach-Bertels</i>	Date 6-27-11
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Comments (Attach additional sheets if necessary):

Dave,

The proposal looks good to me. I support the rule modification.

Ron

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Carl Mesman: In reviewing this proposal it increases opportunity for fishing access and increases this opportunity to remove species that the system, i.e. carp. My only concern is spearers/bowfishers being in boats directly below dams to allow them to harvest fish. Anglers are able to anchor downstream of the dam and cast into the outfall. Spearers and bowfishers must be closer to the dam outfall area. There may not be a safety concern as lower summer flow rates reduce the release of water through the dam gates and most of the flow would be through the power house.